

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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5024 ALTA LLC, *et al.*,

Plaintiff,

vs.

BANK OF AMERICA, N.A., *et al.*,

Defendants.

Case No. 2:23-cv-00429-JCM-EJY

ORDER

Pending before the Court is Plaintiffs' ex parte application that seeks an enlargement of time to serve defendant GT REPO LLC through Publication. ECF No. 15. Plaintiffs filed their Complaint on March 22, 2023 but have been unable to serve GT REPO LLC, which is a Texas limited liability company. ECF No. 15-2 at 2. Plaintiffs attempted to serve GT REPO LLC through its registered address, but this was unsuccessful. ECF No. 15 at 5. Plaintiffs then ordered a skip trace to identify other avenues for service, but none was located. *Id.* Plaintiffs checked the Texas Secretary of State's website for other possible service options and found none. *Id.* Plaintiffs seek a 90-day extension of time to serve GT REPO LLC by publication. *Id.* at 5-6.

Federal Rule of Civil Procedure 4(m) allows the Court to extend time to effect service when good cause is shown that reasonable efforts to effect service are undertaken by a plaintiff. Rule 4(e) allows a party to seek service of a defendant "by ... following state law for serving a summons in an action brought in courts of general jurisdiction in the state where the district court is located" Nevada Rule of Civil Procedure ("NRCP") 4.4 allows service through alternative means so long as certain procedural steps are undertaken.

The efforts of Plaintiffs' process server demonstrate Plaintiffs were diligent in attempting to serve GT REPO LLC as the server attempted service of the company's registered agent at two different addresses to no avail. Plaintiffs also attempted to locate other possible service options but found none. Service by publication is permitted by Nev. R. Civ. P. 4.4, which is incorporated by

1 reference in Fed. R. Civ. P. 4(e). Plaintiffs seek Court-Ordered Service under NRCP 4.4(b). NRCP
2 4.4(b)(5) allows for service by publication only if the requirements of NRCP 4.4(c) are met.

3 A review of Plaintiffs' Application reveals that they have not complied with the requirements
4 of NRCP 4.4(c)(2) or 4.4(c)(4). The Court will not do Plaintiffs work for them. Plaintiffs **must**
5 **read** the requirements of NRCP 4.4 and refile a motion for service by publication and provide a
6 proposed order that complies with Nevada law.

7 In accordance with the federal and state rules pertaining to service of process,

8 IT IS HEREBY ORDERED that Plaintiffs' Ex Parte Application for Enlargement of Time
9 to Serve Defendant GT REPO LLC and Leave to Serve Defendant GT REPO LLC Via Publication
10 (ECF No. 15) is DENIED without prejudice.

11 IT IS FURTHER ORDERED that no later than **June 23, 2023**, Plaintiffs **must** file with the
12 Court a Motion for Service by Publication and a proposed order that comply with all steps and
13 procedures required by Nev. R. Civ. P. 4.4(c)(2) and (4) respectively.

14 Dated this 9th day of June, 2023.

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16 ELAYNA J. YOUCHAK
17 UNITED STATES MAGISTRATE JUDGE
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